

III. REMARKS

Status of the Claims

Claims 1-9 are amended. Claims 1-10 are presented for further consideration. Claims 2-7 are amended to remove unnecessary language from the preamble of these claims. Claim 9 is amended to correct its dependency.

Summary of the Office Action

Claims 1 and 2, stand rejected under 35USC103(a) on the basis of the cited reference Van den Heuvel, G.B. Patent No. 2,294,844 in view of the disclosure of Bridges, et al, U.S. Patent No. 6,546,246 and further in view of the reference Suzuki, U.S. Patent No. 6,493,540. Claims 3 and 4 stand rejected under 35USC103(a) on the basis of the cited reference Van den Heuvel, in view of the disclosures of Bridges and Suzuki, and in further view of the reference Henry, Jr. et al, U.S. Patent No. 5,603,084. Claims 5 and 6 stand rejected under 35USC103(a) on the basis of the cited reference Van den Heuvel, in view of the disclosures of Bridges, Suzuki and Henry, and further in view of Retzer, et al, U.S. Patent No. 6,009,325. Claim 7 stands rejected under 35USC103(a) on the basis of the cited reference Van den Heuvel, in view of the disclosures of Bridges, and Suzuki, and in further view of the reference Retzer, et al. Claim 8 is rejected under 35USC103(a) based on the combined disclosures of van den Huevel in view of Bridges. Claims 9 and 10 stand rejected under 35USC103(a) based on the combined disclosures of van den Huevel in view of Bridges and Suzuki and further in view of Johnson, et al, U.S. Patent No. 6,181,936. The Examiner is respectfully requested to reconsider his rejection in view of the following remarks.

Applicant has amended claims 1 and 8 to further support the arguments previously made relating to the distinguishing features of the subject invention.

The Invention

According to independent claims 1 and 8, as amended, this invention involves a mobile station, having software radio architecture of the type that provides the capability of global usage, and includes a system for selecting among the modes, features and services available in the mobile station and supported within a particular cellular network of the globally available cellular communications networks. The processors of the mobile station store information relating to the capabilities of the mobile station and compile information relative to the capabilities of a cellular network in which it seeks services. A matrix of available modes, functions and services is compiled from which an array of such modes, functions and services is selected according to predetermined criteria. None of the cited references either alone or in combination disclose or teach such a mobile station system.

Discussion of the Cited References

The examiner continues to rely primarily on the reference van den Heuvel, et al as the primary support for the rejection of all of the claims on the basis of obviousness. As previously indicated, this reference teaches a system for providing a selection process for a subscriber to allow the use by a subscriber of certain features available in multiple communications systems 11-17 coupled together by a common wireline system 18. It requires an initial contact with a common system 19 to receive information on available networks and their

features. The subscriber may select a desired network and feature, download the required software, and then contact the selected network. This does not describe a system that is global in scope, but only local. There is no capability for performing the functions from data stored on the mobile phone, but it is totally reliant on the service of the common system.

Accordingly, there are two intermediate entities required in the system of van den Heuvel, that are not required in the system of this invention, namely, wireline system 18, and a common communication system 19. The system of van den Heuvel is, therefore, limited in its application and cannot provide the globally adaptive function of the subject invention.

The rejection under 35USC103(a) combines the teaching of van den Heuvel in combination with the reference Bridges. The reference Bridges involves a system by which a mobile station, in roaming mode, may access another wireless network that has a preferred status by virtue of a prearrangement with the home provider. This is described in the reference Bridges, beginning at column 8, line 51 through column 9, line 1, as follows:

"The present invention relates to a mobile station with intelligent roaming and/or over-the-air programming features. The present invention permits a mobile station to immediately obtain service on a preferred cellular, PCS or other wireless network system meeting a subscriber's service requirements. The selection or designation of such a system carrier may be configured to comply with, for example, preferences of a corporation having a National Account with the home wireless carrier, when there are multiple bands available.

According to an aspect of the present invention, a Preferred System Identification List (PSL) (for cellular systems) and/or an Intelligent Roaming Database Downloading (IRDB) (for cellular, PCS and other wireless systems) is stored within a memory or storage device of the mobile station. When the mobile station is roaming,

the PSL or IRDB is accessed to indicate the band where the mobile station will find a preferred system."

The system requires a list of preferred service providers, it does not contemplate service access through independent, globally dispersed cellular networks. In addition, there is no indication of how or why the teaching of Bridges could be combined with the system of van den Heuvel. There is no processing of data received from a cellular system that is compiled with operational data of a mobile phone to form a matrix from which an operational structure can be formed according to predetermined criteria.

Also in support of the rejection of claim 1, based on obviousness, the Examiner has further combined the teachings of van den Heuvel and Bridges with that of the reference Suzuki. The system of the reference Suzuki is described in the Summary of the Invention, as follows:

"According to an aspect of the present invention, there is provided in a mobile radio communication system in which each of a plurality of mobile stations and a base station randomly transmits and receives data to and from each other, a radio random access control system in which each mobile station receives all data from the base station, executes an analysis of destination mobile stations of the received data, obtains from the analysis result the number of mobile stations currently transmitting or receiving the data to or from the base station in a radio zone, in which the own station is present, and calculates delay time after a transmission timing collision at the time of the start of transmission of the own mobile station till the next start of transmission according to the obtained number of mobile stations excluding the own station."

Applicant submits that the teaching of this reference is far a field of the system of this invention and adds nothing to the teachings of van den Heuvel and Bridges, except that information may be exchanged between a mobile telephone and a base station. The information received is used in the timing of transmissions.

The combination of the references to obtain the subject invention as described in claims 1 and 8 would not be obvious to one skilled in the art.

Even if a combination of the teachings of the cited reference could be conceived, the system would necessarily be limited to a local network. This is a significant difference relative to the invention of the claims under consideration. The data stored in the configuration of van den Heuvel could not include data from independent globally dispersed communication networks. If the mobile device of van den Heuvel, were to stray from its home network, it would have no capability for selecting a configuration of services based on the available system in the new location.

Since the combination of references cited, fail to support prima facie obviousness with respect to independent claims 1 and 8, the rejections of the dependent claims also fail. The teachings of the cited references Henry and Retzer, fail to remedy the deficiencies of the combined teaching of van den Heuvel, Bridges, and Suzuki.

The Issue of Obviousness

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application. The combination of references fails to disclose several features of the claims because of the limitations of the disclosure of van

den Heuvel. For example in claim 1, the following feature is required:

"a transceiver for receiving data over a common system parameter channel from a local one of said independent, globally dispersed networks into which the mobile stations has traveled, wherein said data is received directly without reliance on any local area network or wireline system;"

None of the references either individually or in combination disclose or could use such a transceiver. Equivalent language is contained independent claim 8.

Applicant submits that the above described deficiencies of the primary reference van den Heuvel are not remedied by the proposed combination with the teachings of the references Bridges and Suzuki. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of the cited references, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

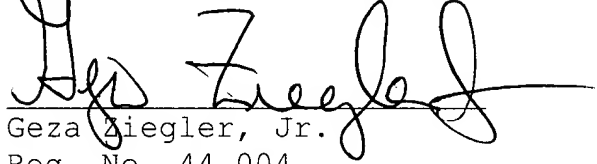
The above arguments apply equally to the rejected dependent claims.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1810.00 is enclosed for a three month extension of time and the RCE fee. The Commissioner is hereby

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Respectfully submitted,



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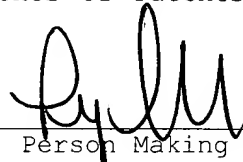
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